

REMARKS

In the Office Action dated November 3, 2008:

Claim 5 was rejected under 35 USC §112(2) as indefinite for failing to particularly point out and distinctly claim the invention;

Claim 5 also was rejected under 35 USC §112(2) as incomplete for omitting essential steps; and

Claims 5 and 6 were rejected under 35 USC §102(e) as anticipated by Yajima (U.S. Patent No. 6,539,986).

Claims 5 and 6 are amended and remain pending. Applicant respectfully traverses the rejections.

Rejections Under 35 USC § 112

Applicant respectfully submits that amended claim 5 distinguishes first and second sucking and discharging operations, as suggested by Examiner at page 2 of the Office Action. Amended claim 5 also recites operation of the deaeration valve to permit the distinct functions of the second sucking and discharging operations. Further, amended claim 5 specifies the dependency of each operation on a previous operation. Thus, Applicant believes amended claim 5 complies with the Examiner's suggestions and thereby overcomes the rejections under 35 USC § 112. Amended claim 5 is supported at least by Figures 2A, 2B, 3, 10A, and 10B and by paragraphs 59-64 of the originally filed specification; no new matter is added. Accordingly, Applicant respectfully requests that the rejections under 35 USC § 112 be withdrawn.

Rejections Under 35 USC § 102

Claims 5 and 6 were rejected under 35 USC §102(e) as anticipated by Yajima (U.S. Patent No. 6,539,986). An anticipation rejection is improper unless a single prior art reference *identically* shows or discloses *each and every claim limitation*. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q. 1566, 1567 (Fed. Cir. 1990).

Yajima fails to show or disclose the sequence of first and second sucking and discharging operations recited by amended claim 5. In particular, Yajima entirely fails to show or disclose a second sucking operation, for causing negative pressure to isolate bubbles collected in a filtration film, between first and second discharging operations. At most, Yajima shows a first sucking operation with an

inflow side valve opened (Figures 5-7), followed by exhausting and discharging operations with various valve lineups. Yajima also fails to show or disclose a first discharging operation with a pump discharge-side valve and a discharge valve opened, followed by a second discharging operation with the pump discharge-side valve opened and the discharge valve closed. At most, Yajima shows an exhausting operation with a discharge-side valve opened and a nozzle valve closed, followed by a discharging operation with the nozzle valve opened.

Additionally, Yajima fails to show or disclose at least a control section configured to cause negative pressure to isolate, from a filtration film of a filter, bubbles taken in said filtration film, as recited by amended claim 6. At most, Yajima Figure 2 shows a liquid discharge apparatus having a filter 17 provided in a discharge passage 14 of a pump chamber 3 downstream from a discharge-side valve 15, and having a pressure regulating passage 10 and valve 9 connected to a vent port of the filter 17. Yajima does not show or disclose that the pump chamber 3, the discharge-side valve 15, or the pressure regulating valve 9 are in any way controlled to cause negative pressure to isolate bubbles from a filtration film of the filter 17.

By causing negative pressure to isolate bubbles collected in a filtration film, the present invention achieves superior filtration and provides better cleanliness of chemical liquid than previously obtained by Yajima.

For at least these reasons, Applicant deems amended claims 5 and 6 allowable over Yajima. Accordingly, Applicant respectfully requests that the rejections of claims 5 and 6 under 35 USC § 102(e) be withdrawn.

Conclusion

As Applicant has traversed or overcome each and every rejection raised by Examiner, Applicant respectfully requests that Examiner enter the present Amendment, withdraw the rejections, and pass to issue claims 5 and 6.

Alternatively, Applicant respectfully requests that Examiner enter the present Amendment so as to place the claims in better condition for appeal. See MPEP 714.12 and 37 CFR § 1.116(b)(2).

Applicant believes no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, Applicant's Attorneys hereby authorize the Commissioner to deduct such fees from Deposit Account 13-0235.

Respectfully submitted,

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